



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,184	12/01/2003	Brian K. Revill	050885-0306961	1330
43569	7590	02/08/2005	EXAMINER	
MAYER, BROWN, ROWE & MAW LLP 1909 K STREET, N.W. WASHINGTON, DC 20006			PATEL, VISHAL A	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

Office Action Summary

Application No.

10/724,184

Applicant(s)

REVILL ET AL.

Examiner

Vishal Patel

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7-10 and 12-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-10 and 12-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13, "a liner of chemically resistant material", is this the same liner as mentioned in claim 8? For examination purpose a liner in claim 13 is considered to be the same liner in claim 8.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

Art Unit: 3676

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1, 3-4, 7-10, 12-13, 15-16, 18-19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Jelinek (US. 4,026,565).

Regarding claim 1: Jelinek discloses a gasket (gasket of figure 6) comprising a frame (frame formed by 63) having an inner peripheral edge (inner edge of 63 that has 20) and an outer peripheral edge (outer edge of 63). The inner peripheral edge being convex (convex structure of the inner edge of 63) and of continuously curved configuration over the full width of the gasket (the curved convex configuration of 63 is over the full width of the gasket) and being provided with a liner (20) of chemically resistant material conforming with the convex and continuously curved inner peripheral edge (line 20 is conforming with the convex and continuously curved inner peripheral edge).

Regarding claim 3: The inner peripheral edge is part-circular in cross-section (63 having a part-circular cross-section).

Regarding claim 4: The gasket has holes to accommodate sealing bolts (as showed in figure 1, gasket in figure 6 would have mounting holes in the gasket).

Regarding claim 7: The opposite faces of the gasket are planar (planar portion of 20).

Regarding claims 8-9: A gasket (gasket of figure 6) comprising a frame (frame formed by 63) having an inner peripheral edge and an outer peripheral edge and including a protrusion or nose at the inner peripheral edge (protrusion or nose at the inner edge of 63). The protrusion or nose being convex and of continuously curved configuration over the full width of the gasket and being provided with a liner (20) of chemically resistant material conforming with the convex and

Art Unit: 3676

continuously curved inner peripheral edge (the liner 20 is conforming with the inner peripheral edge of the frame). The protrusion or nose extends around substantially the entire perimetral length of the frame (the protrusion or nose at the inner peripheral edge extends the entire perimeter of the frame).

Regarding claim 10: The protrusion or nose is provided on the inner peripheral edge of the frame (the protrusion being convex and continuously curved configuration is at the inner peripheral edge of the frame).

Regarding claim 12: The protrusion or nose is of curved bulbous configuration (the protrusion or nose is of bulbous configuration).

Regarding claim 13: The gasket including the liner (20) of chemically resistant material provided on the inner peripheral edge and conforming to the configuration of the nose.

Regarding claim 15: The protrusion or nose is of a shape capable (able to) of *effecting a pinch seal when used with a second gasket (intended use) in the from of a frame having an inner peripheral edge and an outer peripheral edge, the inner peripheral edge of the gasket being of continuously curved convex configuration and being provided with a liner of chemically resistant material conforming with the continuously curved inner peripheral edge (intended use)*. The protrusion or nose is convex through the width of the frame.

Regarding claim 16: The gasket is provided with a protrusion or nose on opposite sides thereof (the outer peripheral edge of 63 is also has a protrusion or nose).

Regarding claim 18: The frame is suitable (frame 63 is capable of being compressed) *for compression with the frame of the second gasket of similar configuration between pair of flanges*

Art Unit: 3676

(intended use), the protrusion being resilient for effecting a pinch seal with a similar protrusion on a second gasket.

Regarding claims 19: A gasket (gasket of figure 6) effective *for compression together with a frame of a second gasket of similar configuration between a pair of flanges (intended use)*, the gasket comprising a frame (63 that forms a frame) having a resilient protrusion (protrusion formed by the inner edge of 63) on one side thereof *for effecting a pinch seal with a similar protrusion on the second gasket (intended use)*, the resilient protrusion being located at or adjacent the inner periphery of the frame (the protrusions is located at the inner periphery of the frame of the gasket) and remote from the outer periphery of the frame. The protrusion being convex and continuously curved configuration over the full width of the gasket and being provided with a liner of chemically resistant material conforming with the convex and continuously curved inner peripheral edge.

Regarding claims 21: A gasket (gasket of figure 6) comprising a square or rectangular frame (rectangular frame as showed in figure 1).

5. Claims 1, 8, 17, 19 and 21-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Plunkett (US 6,089,572).

Regarding claims 1, 8, 17, 19 and 21-25: Plunkett discloses a gasket (34) having a square or rectangular frame (frame of 34) having an inner peripheral edge (edge 78) and an outer peripheral edge (83), the inner edge having a protrusion or nose being convex and of continuously curved configuration (the convex and of continuously curved configuration of the inner peripheral edge 78) over the full width of the gasket (the protrusion or nose is over the full width of the gasket), the frame is locally enlarged (the portions 80 projects beyond the plane) at

Art Unit: 3676

its inner peripheral edge to form the nose which projects beyond the plane (plane surface 84) of the gasket on one side thereof to effect sealing contact, the protrusion on the inner side *for effecting a pinch seal with a similar protrusion on a second gasket (intended use)*, the protrusion is located at or adjacent the inner periphery of the frame and remote from the outer periphery of the frame and a liner (liner 22) formed of chemically resistant material conforming with the convex and continuously curved inner peripheral edge. The frame is a square or rectangular (frame is rectangular) and has a rectangular cross section, where the dimension perpendicular to the gasket plane being smaller than the dimension in the plane of the gasket (the width of the frame that is perpendicular to the gasket is smaller than the length of the plane of the gasket). The liner is of substantially uniform thickness.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plunkett in view of Breaker (US. 5,518,257).

Plunkett discloses the invention substantially as claimed above but fails to disclose that the liner is made of polytetrafluoroethylene. Breaker discloses a gasket having a frame and a liner (226) that is formed of polytetrafluoroethylene. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the liner of Plunkett to be

Art Unit: 3676

formed of polytetrafluoroethylene as taught by Breaker, to provide anti-corrosion (column 9, lines 15-18 of Breaker).

Response to Arguments

8. Applicant's arguments with respect to claims 1-4, 7-10 and 12-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Abramson et al teaches to have a gasket to have a square or rectangular or circular form.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is (703) 308-8495. The examiner can normally be reached on Monday through Friday from 7:30 PM to 4:00 PM (EST).

Art Unit: 3676

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168. Technology Center 3600 Customer Service is available at 703-308-1113. General Customer Service numbers are at 800-786-9199 or 703-308-9000. Fax Customer Service is available at 703-872-9325.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: 703-872-9326, for formal communications for entry before Final action: or,
703-872-9327, for formal communications for entry after Final action.

Hand-delivered responses should be brought to Crystal Park Five, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist suite adjacent to the elevator lobby).

VP

February 2, 2005

ALISON PICKARD
Primary Patent Examiner
Tech. Center 3600



HEATHER SHACKELFORD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600